

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)**

LUMBERMENS MUTUAL CASUALTY COMPANY *

Plaintiff *

Case No: CCB 03-CV-70

v. *

KAYWELL CORPORATION *

Defendant *

* * * * *

MOTION FOR JUDGMENT BY DEFAULT

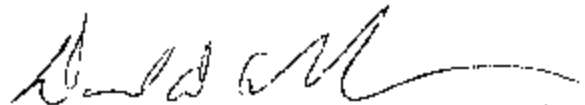
Plaintiff, Lumbermens Mutual Casualty Company, pursuant to the provisions of Federal Rule of Civil Procedure 55 and by undersigned counsel, hereby moves this Court for judgment by default against Defendant Kaywell Corporation, ("the Defendant") in the amount of \$1,621,874.10, and in support, says as follows:

1. Plaintiff filed the Complaint in this matter on or about January 8, 2003. The Defendant was served with the Summons and Complaint on March 12, 2003 by personal service.
2. The Defendant has failed to file responsive pleadings within twenty (20) days of service.
3. This lawsuit was filed by the Plaintiff to recover damages incurred by the Plaintiff as a result of its execution of certain surety bonds. As alleged in the Complaint, the Defendant is obligated under the Agreement of Indemnity to exonerate, indemnify, and hold the Plaintiff harmless from claims, losses, and expenses, including attorneys' fees, incurred as a result of the Surety's issuance of the surety bonds on behalf of Kaywell Corporation.

4. The amount due and owing the Plaintiff by the Defendant is \$1,621,874.10.
5. The Defendant is not in the military.

WHEREFORE, for all of the foregoing reasons, Plaintiff is entitled to the entry of judgment by default against Defendant Kaywell Corporation, in the amount of \$1,621,874.10.

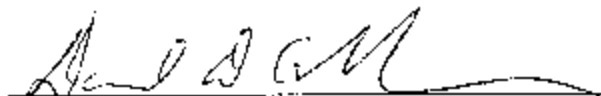
Respectfully submitted,



David D. Gilliss
Federal Bar No. 05174
NILES, BARTON & WILMER, LLP
111 South Calvert Street, Suite 1400
Baltimore, Maryland 21202-6185
410-783-6300
Attorneys for Plaintiff,
Lumbermens Mutual Casualty Company

AFFIDAVIT

David D. Gilliss, being duly sworn according to law, deposes and says that the facts contained in the foregoing Motion for Judgment by Default are true and correct.



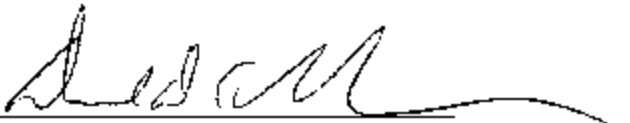
David D. Gilliss

DATED: May 13th, 2003

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 13th day of May, 2003 a copy of the foregoing Motion for Judgment by Default was mailed, postage prepaid, to:

Kewal Khatta
Kaywell Corporation
12507 Marlow Road
Fulton, MD 20759-9779


David D. Gilliss